APPLICATION FOR A STATE DESIGNATED, FEDERALLY APPROVED NO DISCHARGE AREA FOR THE BOOTHBAY HARBOR REGION INCLUDING ALL CONTIGUOUS WATERS FROM CAPE NEWAGEN TO OCEAN POINT

Application prepared by:
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Submitted December 12, 2008

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INTRODUCTION

The Maine Department of Environmental Protection (ME DEP), is requesting that the United States Environmental Protection Agency (USEPA) allow the State's designation of the Boothbay Region Area a No Discharge Area (NDA) pursuant to the 33 CFR Part 159 and 40 CFR Part 140. Figure 1 details the geographic extent of the proposed NDA. An NDA is a body of water in which the discharge of vessel sewage, whether treated or not, is prohibited.

The point sources of pollution to the Boothbay Region No Discharge Area (BBRNDA) are well regulated by the Clean Water Act and the State's water quality laws, as well as regulations through the Coast Guard, the ME DEP, and the USEPA. Maine has begun to address stormwater contamination with an aggressive combined sewer overflow abatement plan, the enactment of the Stormwater Management Law in 1998, and assumption of the federal stormwater program in 2001 and 2005. The ME DEP continues to identify and eliminate failing or illegal domestic waste water systems that discharge to the water, working closely with local municipal officials and the Department of Marine Resources (DMR). State environmental laws such as the Mandatory Shoreland Zoning Act and the Natural Resources Protection Act are designed to control the development of sensitive coastal areas and to limit the amount of non-point source pollution. The state's Small Communities Grant Program (SCGP) funds the repair or replacement of many failing or illegal septic systems every year. Since its beginning in 1982, the SCGP has repaired or replaced approximately 3,500 septic systems throughout the state. The Overboard Discharge Grant Program (ODGP) is designed to eliminate approved discharges to targeted shellfish areas so those areas may be opened for harvesting. Since 1991, the ODGP has removed over 170 overboard discharge systems directly resulting in the opening of 4,500 acres of shellfish harvesting areas.

The proposed BBRNDA is located within the boundaries of the towns of Boothbay, Boothbay Harbor, and Southport. The ME DEP in conjunction with municipalities and other interest groups have been working hard to reduce pollution going into BBRNDA and improve the water quality. Revisions to Maine's Stormwater laws comprehensively address stormwater issues from development. The non-point source management program works through many venues, from flower shows to educate homeowners to contractor training, to educate people on the sources, impacts, and prevention measures for non-point source pollution. In the past 10 years over 37,940 acres of shellfish harvesting area have been opened statewide due to the elimination of landside overboard discharges and malfunctioning septic systems.

However, water quality issues remain including continued bacterial contamination. Sewage discharged from boats contributes to poor water quality, especially in poorly flushed embayments. Between 1970 and 2007, the number of registered boats on the Maine coast more than quadrupled to 65,000. Of the registered boats in coastal waters, it is estimated that approximately 7,000 use marine sanitation devices (MSDs) of some kind. These numbers do not include the significant transient boat traffic estimated to be nearly 8,000 boats per year, almost all of which are cruising boats equipped with MSDs. The percentage of those nearly 15,000 boats that are equipped with holding tanks (MSDIIIs) is unknown but is estimated to be nearly 98% (1,750).

Vessel sewage, like many other pollutants, can be harmful to the environment when it is not adequately treated. Sewage contains a high concentration of nitrogen, a substance that can lead to algal blooms and low dissolved oxygen concentrations that can affect the health of fish, shellfish, and eelgrass beds. Sewage also contains bacteria and viruses that can make shellfish unsuitable for human consumption and make our beaches unsafe for swimming.

Every boat with an installed marine head (toilet) must have a US Coast Guard approved Marine Sanitation Device (MSD). The US Coast Guard tests and certifies MSDs as Type I, Type II, or Type III. A Type I MSD means a device that, under the test conditions, produces an effluent having a fecal coliform bacteria count not greater than 1,000 per 100 milliliters and no visible floating solids. A Type II MSD means a device that, under the test conditions produces an effluent having a fecal coliform bacteria count not greater than 200 per 100 milliliters and suspended solids not greater than 150 milligrams per liter. Type III MSDs are holding tanks designed to prevent the overboard discharge of any sewage, treated or untreated; although, some Type III MSDs are equipped with a "y" valve that allows the operator to legally discharge stored sewage once the vessel is more than 3 miles offshore. Boats larger than 65 feet in length must use a Type II or Type III MSD, while boats under 65 feet can use a Type I, II or III MSD.

While Type I and Type II MSDs are designed to treat vessel sewage, they do not remove significant amounts of nitrogen from the waste before it is discharged. They also cannot remove all of the bacteria or viruses. Certain waters of high public and environmental value that require greater environmental protection than under existing laws, can be designated NDAs under the federal Clean Water Act. Because there is a risk that sewage may negatively impact these sensitive areas, all vessel sewage, even if treated by a Type I or Type II MSD, is prohibited from being discharged in NDAs.

As a result, the MEDEP feels it is appropriate to request designation of Boothbay Harbor Area as a No Discharge Area. The area to be included in the designation includes all contiguous waters.

DESCRIPTION:

Waterbody/General Area	Longitude	Latitude
From the USCG navigational buoy green bell "1C" off the light station "The Cuckholds" north to "Cape Newagen":	69° 39' 38.57" W	43° 47' 8.75" N
North to "Cameron Point" on the northwest end of "Townsend Gut":	69° 40' 5.32" W	43° 51' 4.21" N
North to the southern tip of "Indiantown Island":	69° 40' 4.75" W	43° 51' 19.4" N
North to the northern end of "Indiantown Island":	69° 40' 36.1" W	43° 51' 57.73" N
East to the head of navigation of unnamed stream:	69° 38" 9.31" W	43° 15" 17.33" N
East to the head of navigation of unnamed stream:	69°37"24.62" W	43° 51" 8.04"N
East to the head of navigation of unnamed stream:	69° 36' 50.93" W	43° 51' 4.99" N
East to the northern end of "Linekin Bay":	69° 35' 26.86" W	43° 51' 42.94" N
South to the western point of "Ocean Point":	69° 36' 16.39" W	43° 48' 50.14" N
Southwest in a straight line to USCG navigational buoy green bell "1C" off the light station "The Cuckholds"	69° 39' 0.09" W	43° 46' 22.55" N

The boundaries were chosen based on easy line-of-sight locations. See Figure 1

CERTIFICATION OF NEED

The proposed BBRNDA constitutes over 9.65 square miles or marine habitat including over 252 acres of identified shellfish habitat. The intertidal zone includes a diverse array of habitats predominated by rocky shore but including isolated areas of salt marsh and mud flats. Due to topography and wide tidal variations characteristic of the Gulf of Maine, intertidal areas in Maine are the most extensive along the Atlantic Coast of the United States.

The entire proposed BBRNDA is identified as a High Value Wildlife Habitat by the US Fish and Wildlife Service. There are scattered shorebird roosting and feeding areas as well as tidal waterfowl and wader habitat. Waterfowl including many species of ducks, geese, heron, and egret frequent this area. Approximately 100 species of waterbirds inhabit or migrate through the BBRNDA.

Water Quality

The Maine Department of Marine Resources monitors a number of stations in the BBRNDA for bacteria as part of the National Shellfish Sanitation Program. Results from years of monitoring indicate that there are a number of bacteria “hot spots” that are seasonal in nature and in the location of significant harbors. There are 5,456 acres of closed shellfish harvesting areas in the BBRNDA representing approximately 85% of the total shellfish harvesting area.

There are no significant beaches in the BBRNDA.

Recreational

The BBRNDA is one of the most popular tourist locations in the state. The harbor village is home to numerous shops and restaurants. There are 5 large marinas in Boothbay Harbor servicing roughly 500 boats. In addition, the local authorities lease mooring space to residents that account for another 300 boats at a minimum. There are a number of smaller harbors and coves in the region that were not surveyed as part of this application. In addition, Townsend Gut contains roughly an additional 100 recreational vessels. Due to the area’s scenic location, boating facilities, and on-shore attractions, it is a popular destination for transient and local boaters alike.

The BBRNDA is also a popular destination for sea kayakers, bird watchers and outdoor enthusiasts due to the huge variety of terrain in the area. The Boothbay Region Land Trust owns or manages a number of preserves in the BBNDA including Indiantown Island. The Land Trust encourages low impact use of the preserves by the public.

Harbor boat tours and whale watching excursions are one of Boothbay Harbor’s main attractions. Over 15 commercial passenger vessels routinely operate within the harbor.

Figure 5 identifies a number of the official recreation areas in BBRNDA.

Figure 1.

Boothbay Harbor No Discharge Area Boundary and Pumpout Stations

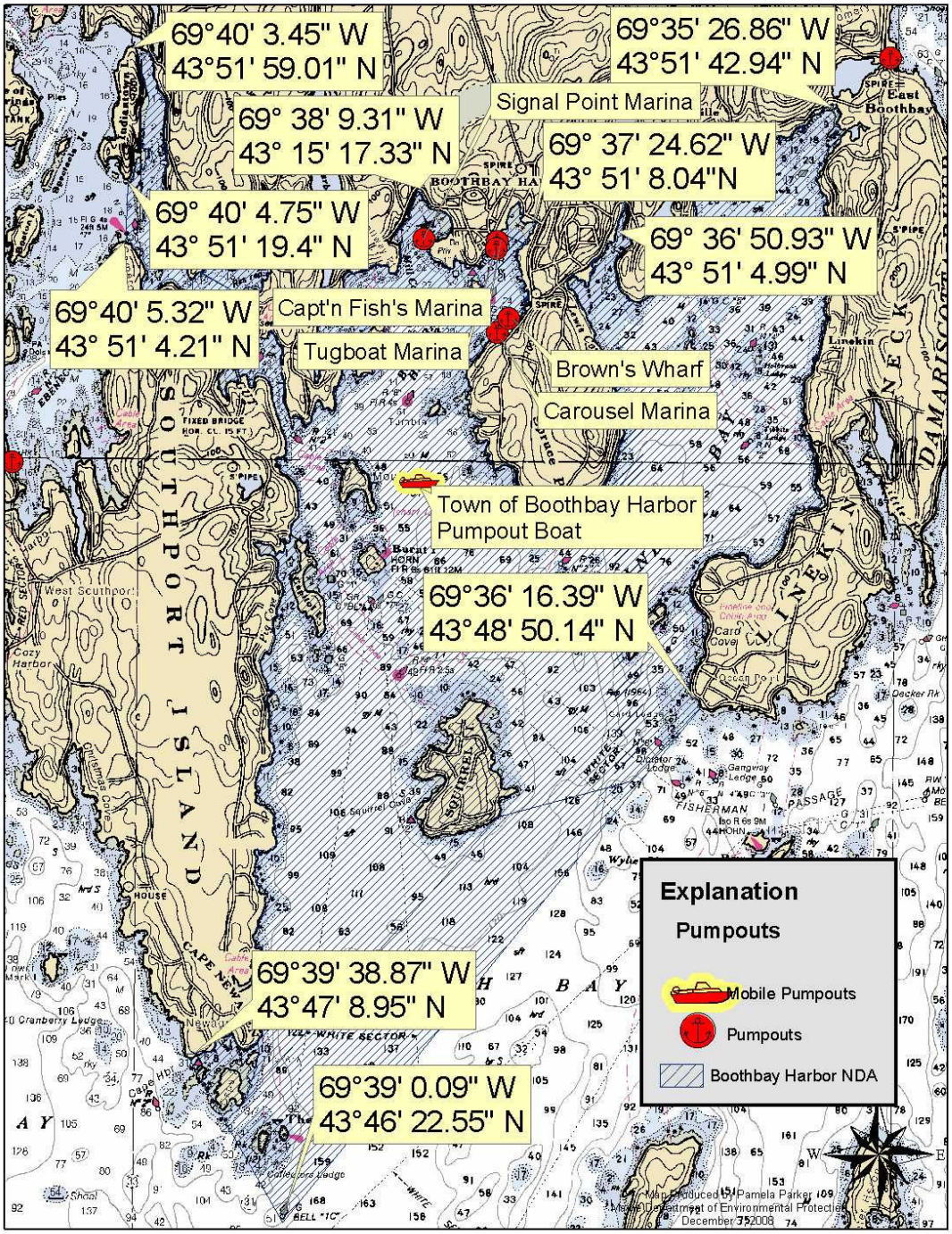


Figure 2.

Boothbay Region No Discharge Area Resources

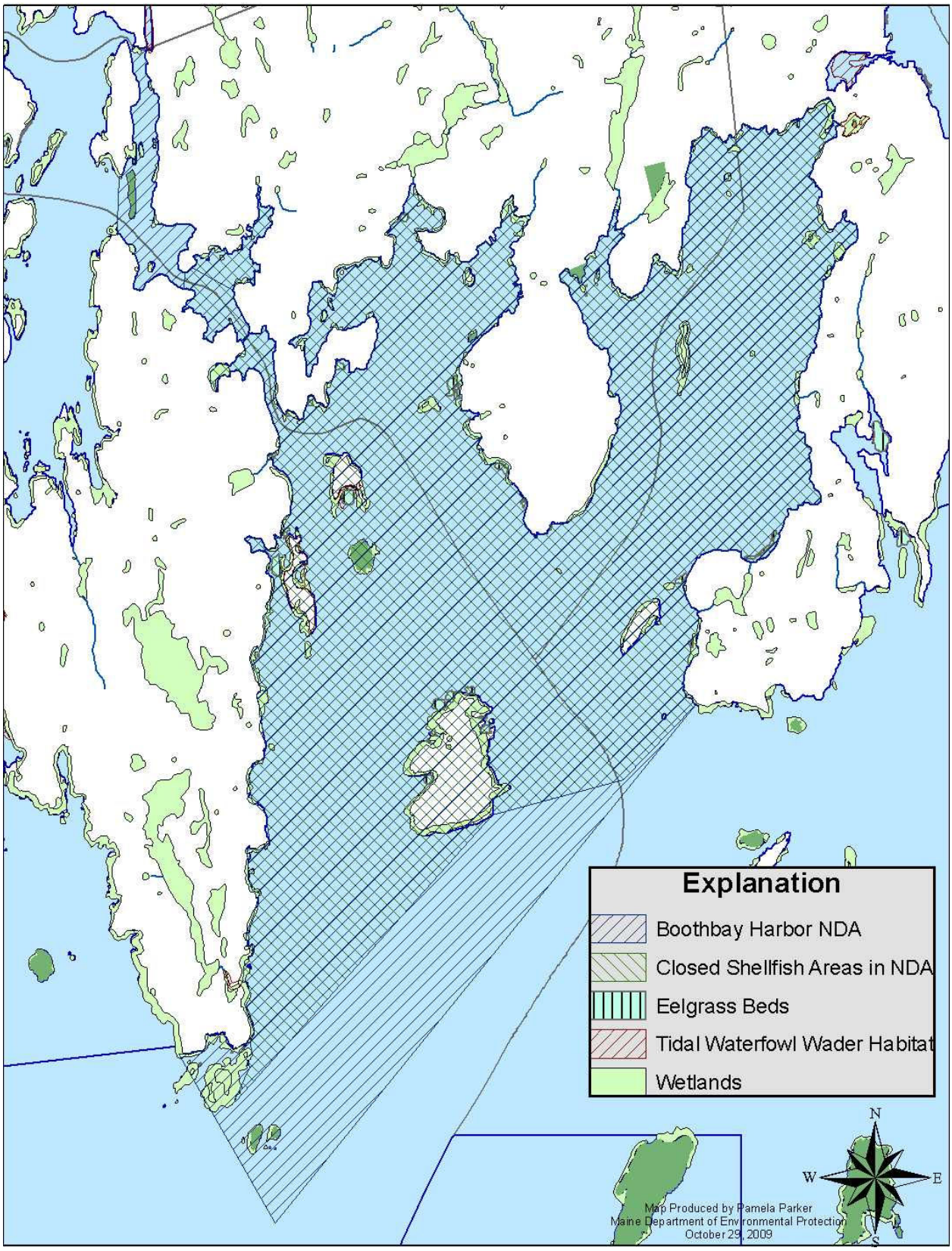
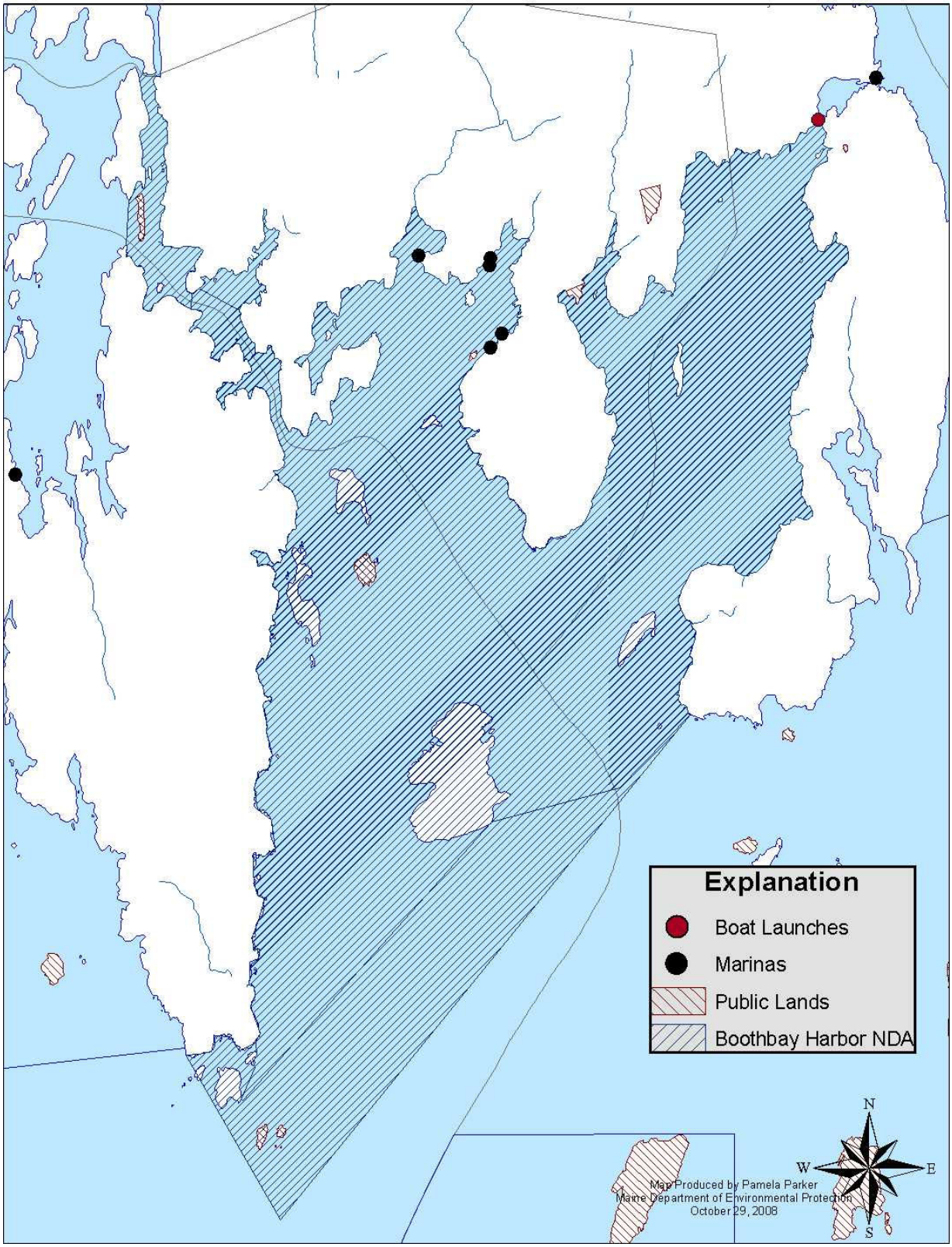


Figure 3.

Boothbay Region No Discharge Area
Recreation



PUMPOUT FACILITIES

Background

Since 1993, Maine has worked toward increasing the availability of boat pump-out stations along the coast and increasing the public's awareness of the facilities through the Federal Clean Vessel Act funding. Until 1998, the grants were administered by the State Planning Office (SPO). Starting in 1999, the grant program has been administered by the DEP.

The DEP has been successful in a number of ways but there is plenty of work yet to be done due to rapidly increasing recreational boat traffic along the coast. The state has tripled the number of pump-outs available on the coast and, through education and outreach materials, has increased the level of pump-out use throughout the coast.

In 2000, DEP compiled an inventory and ranked all the roughly 350 navigable harbors in the state according to the number of boats normally sheltered, the harbor flushing capability, the presence of sensitive habitats, and the presence or absence of other known sources of pollution. After ranking, the DEP identified the top 100 as "significant" or "priority" harbors. After reviewing the pumpout priority list and discussing the feasibility of pumpout installation in some more remote areas of the coastline, *the DEP has concluded that the pumpout station goal should be to have pumpout within 4 miles of all the priority harbors*. Achieving this goal would ensure that a pumpout station is within one hour of all the significant harbors in the State.

As a tool for pumpout station installation, DEP has 38 M.R.S.A. §423-B. This section of law requires coastal marinas over a certain size to have operational pumpouts. All coastal marinas having a total of 18 or more slips and/or moorings for boats greater than 24 feet in length meet the threshold for pumpout requirement. All facilities that have installed a pumpout system and are subject to §423-B are also required to maintain their system in good working order. Facilities with pumpouts that are not subject to the requirements of §423-B but have received grant funds for their pumpout system are required to maintain their systems or refund a portion of the grant money they received. Since 2001, the DEP has conducted regular annual inspections of all pumpout systems to ensure that they function properly.

A. Location

There are 5 stationary pumpout stations and a municipal pumpout boat serving boaters in the BBRNDA. They stationary pumpouts are located at the Browns Wharf, Carousel Marina, Tugboat Inn and Marina, Cap'n Fish's Marina, and Signal Point Marina. The town of Boothbay Harbor operates a pumpout boat that services the entire BBRNDA.

B. Accessibility

Operating hours, contact information, pumpout system type, boat height and depth limitations are noted in Table 1. For the most part, pumpout facilities in the BBRNDA are accessible and functional at high and low tides and have little to impede tall vessels. Some very deep or tall vessels may be limited as to the number of fixed pumpout stations accessible, but the presence of a pumpout boat alleviates this limitation for these vessels.

Most large commercial passenger vessels are able to be accommodated at Cap'n Fish's pumpout station or by the Town of Boothbay Harbor Pumpout Boat.

Table 1. Pumpout Station Location and Accessibility

Town	Name	PO Type	Phone	Hours of Operation	VHF	Address	MLW Depth/ Length & Height Restrictions	Disposal	Fee/ Funding
Boothbay Harbor	Harbormaster (town)	Pumpout Boat	207 633- 3671	8-6 Harbor master	16	Commercial Street	None	Sewer	$5 Public
Boothbay Harbor	Carousel Marina	28-gal cart	207 633-2922	8-5, 7 days/ week	9	125 Atlantic Ave	10 ft None	Sewer	Variable Private
Boothbay Harbor	Browns Wharf	Stationary	207 633-5440	8-5, 7 days/ week	9	121 Atlantic Ave.	15 ft None	Sewer	$5 Public
Boothbay Harbor	Cap'n Fish's Marina	Stationary	207 633-3244	8-5, 7 days/ week	9	65 Atlantic Ave.	15 ft None	Sewer	$5 Public
Boothbay Harbor	Tugboat Inn and Marina	Stationary	207 633-4434	10-2 7 days/ week	9	100 Commercial street	8 ft None	Sewer	$5 Public
Boothbay Harbor	Signal Point Marina	Stationary	207 633-6920	24/7 Self Serve	N/A	McFarland Point Road	8 ft None	Sewer	None

C. Vessel population and usage

Data used in this application were collected through harbormaster boat registries as reported through a standard survey form and were confirmed by visual boat counts of boats of marinas and anchorages conducted by Environmental Protection Agency staff, and satellite imagery collected through Google Earth. The harbor master data was expected to be the most representative of the normal conditions in the harbors. Any differences among the data sets can be attributed to seasonal and yearly fluctuation. For the purposes of this application, the MEDEP assumes that all vessels with an installed head have an MSD. Therefore, the number of vessels with heads and the number with MSDs is assumed to be equal.

The BBRNDA is home to roughly 893 recreational and commercial vessels.

Recreational Vessels
Boothbay Harbor, Linekin Bay, and Townsend Gut are busy and popular boating areas. Because of the protection, many varied coves and harbors, and proximity to other recreational resources, this area is a prime destination for many recreational boaters. The marinas offer every service needed by boaters, including full service slips, showers, fuel, ice, supplies, restaurants and gift shops. All types of recreational vessels are frequent in the BBRNDA from sea kayaks to large private yachts. It is a very active boating area for local and transient boaters.

Table 2. Recreational Vessel Counts, and Lengths in Boothbay Harbor

	Boat Length				Total #
	< 16'	16' – 25'	26' – 40'	> 40'	
Moored	24	148	120	2	294
Docked	74	127	105	22	328
Transient	0	10	25	20	55
Total:	98	285	250	44	677

Commercial Vessels

Resident commercial vessel traffic in the BBRNDA consists of at least 15 day and overnight tour boats and a large number of fishing vessels. According to the Department of Marine Resources fishing license data, there are approximately 422 commercial fishing vessels home ported in the BBRNDA. However, many of these vessels may not be launched or active or may be fishing out of a different location explaining the large discrepancy between the data provided by the harbormaster and the fishing license data. The 216 commercial vessels in Boothbay Harbor range in size from 12' to over 80'. Of the fishing vessels, the majority are lobster boats mostly under 45'; the remaining boats are urchin draggers, scallop draggers and fin fishing boats. A breakdown of the commercial vessel population and sizes can be found in Table 3.

All ferries and most excursion boats over 25 feet have heads on board and Type II or Type III MSDs. The presence of heads on fishing boats is variable, but for the purposes of this application MEDEP is assuming all commercial fishing boats are equipped with heads. This is probably a significant over estimate because, according to data provided by the Maine Lobsterman's Association, less than 10% of all lobster boats are equipped with installed heads

or porta-potties. All commercial vessel's pumpout needs can be met by Capt'n Fishs station of the Town's pumpout boat.

Table 3. Commercial Vessel Counts, Lengths in Boothbay Harbor

Boat Length				Total #
< 16'	16' – 25'	26' – 40'	> 40'	
4	25	152	35	216

Vessels with MSDs

Table 4 details the total number of recreational and commercial vessels with MSDs. The calculations used to determine vessels with heads was based on data developed by the Urban Harbors Institute[1] with the exception of anomalous data in the under 16 foot range due to survey ambiguity. For the purposes of this application, MEDEP will use the following percentages and will assume that all vessels with heads are equipped with an MSD.

0% of vessels less than 16' had MDSs
12% of vessels 16-25' have MSDs
86% of vessels 26-40' have MSDs and
95% of vessels over 40' have MSDs.

Table 4. Estimated Total Vessels with MSDs in the BBRNDA

	Boat Length				
	< 16'	16' – 25'	26' – 40'	> 40'	Total
Total Boats	102	310	402	79	893
Estimated # without MSDs	102	273	56	4	435
Estimated # with MSDs	0	37	346	75	458

In order to provide some estimation of the number of vessels that may need to be converted to Type III MSDs from their existing Type I or Type II, MEDEP used information from the Casco Bay No Discharge Area boater survey conducted in 2007 which found that 98% of vessels with MSDs were equipped with a Type III. The results of these calculations can be found in Table 5.

Table 5. Estimated Total Number of Type III MSDs in the BBRNDA

	Boat Length				Total #
	< 16'	16' – 25'	26' – 40'	> 40'	
Total Boats with MSDs	0	37	346	75	458
Estimated # of Type I and II MSDs	0	1	7	1	9
Estimated # of Type III MSDs	0	36	339	74	449

Based on these calculations, there are approximately 458 boats with heads in the BBRNDA and 449 of those already have a Type III MSD. Assuming there are 5 functioning pumpout stations within the BBRNDA, the ratio of pumpout stations to vessels with MSDs is 1:90, well within the USEPA guidelines. Therefore, the MEDEP concludes there is adequate pumpout stations capacity to service all the vessels of BBRNDA. If any areas appear to be underserved, MEDEP

[1] South Shore Pumpout Evaluation & Outreach Plan, Urban Harbors Institute, 2004

will work with the community to improve pumpout capability. Further, it appears that the burden of vessel conversion to a Type III MSD will be minimal to the local boaters.

PUBLIC EDUCATION AND ENFORCEMENT

Education and enforcement plays an important role in the successful implementation of an NDA. The prohibition on discharging boat sewage in an NDA applies to all vessels, commercial and recreational, regardless of the Type of MSD on board. Information on and enforcement of federal laws related to MSDs is the responsibility of the US Coast Guard. States also have the authority to enforce the prohibition of vessel sewage discharges in NDAs, pursuant to 33 CFR Part 159. In the State of Maine the Maine Marine Patrol, part of the Department of Marine Resources, the Maine Wardens Service, part of the Department of Conservation, the State Police and some harbormasters have enforcement authority for watercraft.

ME DEP produces a pumpout brochure annually that identifies all the pumpout locations along the coast. These pamphlets are distributed to all facilities with pumpout stations along with other boatyards and marinas. The ME DEP allocates at least $7500 a year from the Clean Vessel Act Grant to education and outreach efforts.

ME DEP will work with municipalities and marinas to provide and install adequate signage informing boaters of the NDA and will provide template language to help marinas and boatyards communicate the requirements to their customers. Further, the ME DEP will conduct direct mailings to registered boat owners in the towns surrounding the NDA. Cruising guides, local newspapers and boating magazines will all be informed of the changes with press releases and regular advertisements.

Prior to implementation of the NDA and then after the first year of the NDA, ME DEP plans to conduct an informal survey during the following boating season to determine the level of awareness among the boating public. Based on the results of the survey, Maine DEP will either perform additional outreach efforts targeted at the populations that seem to be less informed or will proceed with a small targeted enforcement project in cooperation with the local harbor master, the Marine Patrol and the Coast Guard. The purpose of the targeted enforcement project will be to 1) determine compliance trends and 2) get the word out that the NDA will be enforced 3) refine enforcement tools and methods. The enforcement team will try a variety of methods including boarding and inspection (particularly for resident boats in slips), and dying heads and holding tanks. The results of the enforcement project will be publicized with a press release and further public education efforts. Based on the indication of overall compliance revealed in the project the DEP will create an overall enforcement strategy that is reasonable and implementable on the local level.

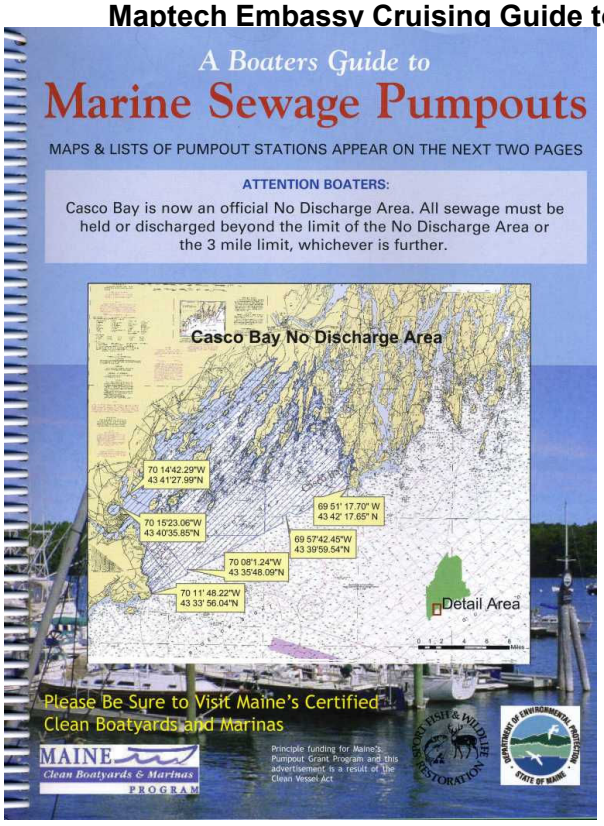
References

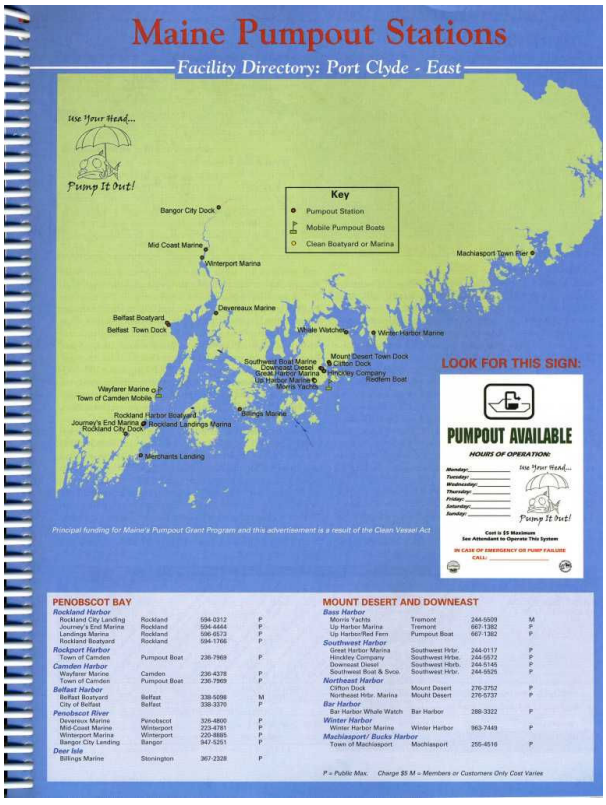
"South Shore Pumpout Evaluation & Outreach Plan", Urban Harbors Institute and North & South Rivers Watershed Association, Boston, MA, June 2004

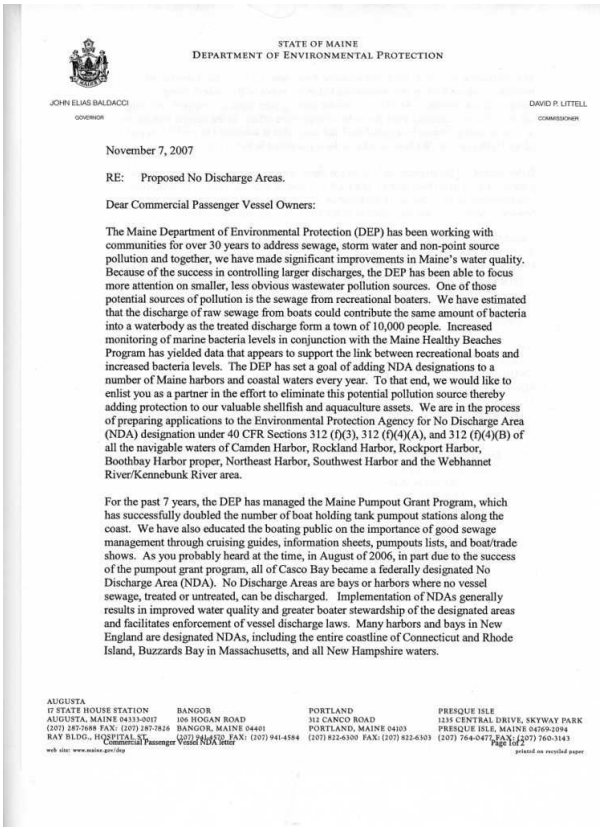
This report is available online at www.uhi.umb.edu

APPENDIX A
Sample Educational Materials

Maptech Embassy Cruising Guide to the New England Coast 7th Edition 2007







STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

DAVID P. LITTELL
COMMISSIONER

November 7, 2007

RE: Proposed No Discharge Areas.

Dear Commercial Passenger Vessel Owners:

The Maine Department of Environmental Protection (DEP) has been working with communities for over 30 years to address sewage, storm water and non-point source pollution and together, we have made significant improvements in Maine's water quality. Because of the success in controlling larger discharges, the DEP has been able to focus more attention on smaller, less obvious wastewater pollution sources. One of those potential sources of pollution is the sewage from recreational boaters. We have estimated that the discharge of raw sewage from boats could contribute the same amount of bacteria into a waterbody as the treated discharge form a town of 10,000 people. Increased monitoring of marine bacteria levels in conjunction with the Maine Healthy Beaches Program has yielded data that appears to support the link between recreational boats and increased bacteria levels. The DEP has set a goal of adding NDA designations to a number of Maine harbors and coastal waters every year. To that end, we would like to enlist you as a partner in the effort to eliminate this potential pollution source thereby adding protection to our valuable shellfish and aquaculture assets. We are in the process of preparing applications to the Environmental Protection Agency for No Discharge Area (NDA) designation under 40 CFR Sections 312 (f)(3), 312 (f)(4)(A), and 312 (f)(4)(B) of all the navigable waters of Camden Harbor, Rockland Harbor, Rockport Harbor, Boothbay Harbor proper, Northeast Harbor, Southwest Harbor and the Webhannet River/Kennebunk River area.

For the past 7 years, the DEP has managed the Maine Pumpout Grant Program, which has successfully doubled the number of boat holding tank pumpout stations along the coast. We have also educated the boating public on the importance of good sewage management through cruising guides, information sheets, pumpouts lists, and boat/trade shows. As you probably heard at the time, in August of 2006, in part due to the success of the pumpout grant program, all of Casco Bay became a federally designated No Discharge Area (NDA). No Discharge Areas are bays or harbors where no vessel sewage, treated or untreated, can be discharged. Implementation of NDAs generally results in improved water quality and greater boater stewardship of the designated areas and facilitates enforcement of vessel discharge laws. Many harbors and bays in New England are designated NDAs, including the entire coastline of Connecticut and Rhode Island, Buzzards Bay in Massachusetts, and all New Hampshire waters.

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Commercial Passenger Vessel NDA letter
web site: www.maine.gov/dep
Page 1of 2
printed on recycled paper

The application process to the Environmental Protection Agency takes a number of months, so we are starting the process this fall in the hopes of the harbors being designated next summer. At this time, we are seeking your input and support. Although not essential, we sincerely want this to be a cooperative effort. In the several months, we will be gathering data on boat population and usage that is submitted to the EPA as part of the NDA petition. We hope to submit the applications in February, 2008.

If designated, NDAs in these harbors would mean greater pumpout system demand and greater scrutiny of all boat waste. The DEP will also be seeking input on an education and enforcement plan specific to each harbor. As stewards of Maine's productive marine resources, your input and participation in the NDA process will be invaluable.

I would like to hear from you regarding the DEPs plan for these NDAs. I have included the DEP's NDA fact sheet for your information. If you have questions, please do not hesitate to contact me at 287-7905 or pamela.d.parker@maine.gov. Please send written comments to me at the address below by November 30, 2007. I look forward to hearing from you.

Sincerely,

Pamela Parker
No Discharge Area and Pumpout Grant Program Coordinator
Maine Department of Environmental Protection
17 SHS
Augusta, ME 04333-0017

PC David Etnier, DMR
Ann Rodney, USEPA
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Town of Camden
Town of Kennebunk
Town of Kennebunkport
Town of Mount Desert
Town of Rockland
Town of Rockport
Town of Southwest Harbor
Town of Wells

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

DAVID P. LITTELL
COMMISSIONER

November 7, 2007

RE: Proposed No Discharge Areas.

Dear Fishermen:

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web site: www.maine.gov/dep

The application process to the Environmental Protection Agency takes a number of months, so we are starting the process this fall in the hopes of the harbors being designated next summer. At this time, we are seeking your input and support. Although not essential, we sincerely want this to be a cooperative effort. In the several months, we will need data from the harbormasters and marinas on boat population and usage that is submitted to the EPA for their review of the NDA petition. We hope to submit the application for your area in February, 2008.

If designated, a NDA in your harbor would mean greater pumpout system demand. It will be essential for all pumpout station locations to maintain the pumpout stations well, and repair them promptly if they break. To this end, the DEP is pursuing a pilot program in Casco Bay that would provide pumpout station inspection and maintenance free of charge to the facility. If this program is successful for all involved, the DEP would pursue the same arrangement in all NDAs. The DEP will also be seeking input on an education and enforcement plan specific to your harbor.

I would like to hear from you regarding the DEPs plan for a NDA in your area. I have included the DEP's NDA fact sheet for your information. If you are interested in purchasing or upgrading a pumpout station, I am happy to send you out a grant application package. If you have questions, please do not hesitate to contact me at 287-7905 or pamela.d.parker@maine.gov. Please send written comments to me at the address below by November 30, 2007. I look forward to hearing from you.

Sincerely,

Pamela Parker
No Discharge Area and Pumpout Grant Program Coordinator
Maine Department of Environmental Protection
17 SHS
Augusta, ME 04333-0017

PC Ann Rodney, USEPA
Town of Boothbay Harbor
Town of Camden
Town of Kennebunk
Town of Kennebunkport
Town of Mount Desert
Town of Rockland
Town of Rockport
Town of Southwest Harbor
Town of Wells

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

DAVID P. LITTELL
COMMISSIONER

November 7, 2007

RE: Proposed No Discharge Area for your harbor.

Dear Boatyard or Marina:

The Maine Department of Environmental Protection (DEP) has been working with communities for over 30 years to address sewage, storm water and non-point source pollution and together, we have made significant improvements in Maine's water quality. Because of the success in controlling larger discharges, the DEP has been able to focus more attention on smaller, less obvious wastewater pollution sources. One of those potential sources of pollution is the sewage from recreational boaters. We have estimated that the discharge of raw sewage from one cruising boat could contribute the same amount of bacteria into a waterbody as the treated discharge form a town of 10,000 people. Increased monitoring of marine bacteria levels in conjunction with the Maine Healthy Beaches Program has yielded data that appears to support the link between recreational boats and increased bacteria levels. The DEP has set a goal of adding NDA designations to a number of Maine harbors and coastal waters every year. To that end, we would like to enlist you as a partner in the effort to eliminate this potential pollution source thereby adding protection to our valuable shellfish and recreational swimming assets. We are in the process of preparing applications to the Environmental Protection Agency for No Discharge Area (NDA) designation under 40 CFR Sections 312 (f)(3), 312 (f)(4)(A), and 312 (f)(4)(B) of all the navigable waters of Camden Harbor, Rockland Harbor, Rockport Harbor, Boothbay Harbor proper, Northeast Harbor, Southwest Harbor and the Webhannet River/Kennebunk River area.

For the past 7 years, the DEP has managed the Maine Pumpout Grant Program, which has successfully doubled the number of boat holding tank pumpout stations along the coast. We have also educated the boating public on the importance of good sewage management through cruising guides, information sheets, pumpouts lists, and boat/trade shows. As you probably heard at the time, in August of 2006, in part due to the success of the pumpout grant program, all of Casco Bay became a federally designated No Discharge Area (NDA). No Discharge Areas are bays or harbors where no vessel sewage, treated or untreated, can be discharged. Implementation of NDAs generally results in improved water quality and greater boater stewardship of the designated areas and facilitates enforcement of vessel discharge laws. Many harbors and bays in New England are designated NDAs, including the entire coastline of Connecticut and Rhode Island, Buzzards Bay in Massachusetts, and all New Hampshire waters.

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826
RAY BLDG., HOSPITAL ST.

BANGOR
106 HOGAN ROAD
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769-2094
(207) 764-0477 FAX: (207) 760-3143

web site: www.maine.gov/dep

The application process to the Environmental Protection Agency takes a number of months, so we are starting the process this fall in the hopes of the harbors being designated next summer. At this time, we are seeking your input and support. Although not essential, we sincerely want this to be a cooperative effort. In the several months, we will be gathering data on boat population and usage that is submitted to the EPA as part of the NDA petition. We hope to submit the applications in February, 2008.

If designated, NDAs in these harbors would mean greater pumpout system demand and greater scrutiny of all boat waste. The DEP will also be seeking input on an education and enforcement plan specific to each harbor. As stewards of Maine's scenic coastal resources, your input and participation in the NDA process will be invaluable.

I would like to hear from you regarding the DEPs plan for these NDAs. I have included the DEP's NDA fact sheet for your information. If you have questions, please do not hesitate to contact me at 287-7905 or pamela.d.parker@maine.gov. Please send written comments to me at the address below by November 30, 2007. I look forward to hearing from you.

Sincerely,

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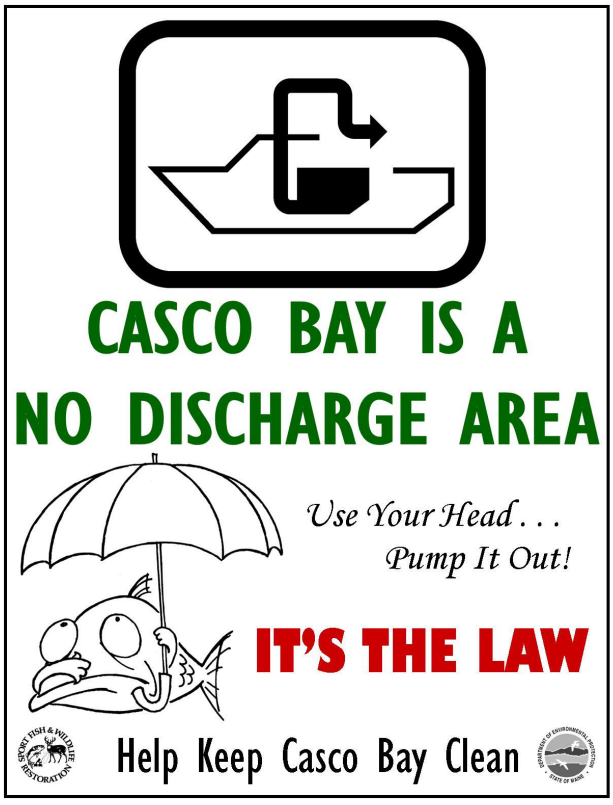


A New England Boaters Guide to No Discharge Areas

Introduction

One of EPA New England's highest priorities is to protect public health and the environment by eliminating bacterial contamination of our surface waters. Designating No Discharge Areas (NDAs) prohibits sewage discharged within its boundaries, protecting the coastline and upholding overall cleaner water quality standards. New England knows the importance of this and is leading the country in designating NDAs. All coastal waters in Connecticut; Rhode Island; New Hampshire; Casco Bay, Maine and much of Massachusetts are currently NDAs and we are looking forward to New England's entire coastline having this same protection.

What is a No Discharge Area?

A No Discharge Area (NDA) is a designated body of water where the discharge of treated and untreated boat sewage is prohibited (does not include grey water). Under the Federal Clean Water Act it is illegal to discharge untreated (raw) sewage from a vessel in US waters.

Health Protection

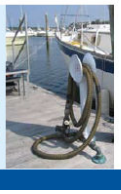
Sewage wastes discharged from boats degrade water quality by introducing disease-causing microorganisms, nutrients, and chemicals into the marine environment.

Microorganisms, which include viruses and bacteria, may introduce diseases like hepatitis and gastroenteritis to people in contact with the water. Microorganisms may also contaminate shellfish beds and cause beach closures. Nutrients are necessary for the growth of both microscopic and larger plants(seaweeds and eelgrass). However, when nutrients become too abundant they stimulate algae blooms which may lead to the loss of eelgrass and depletion of oxygen in water (called hypoxia). Hypoxia can stress and even kill fish and other aquatic animals.

Chemical products can be toxic to marine and estuarine life and could pose a problem in areas where boats congregate and where there is little tidal flushing.

"I come from a boating family and I have been an avid boater my whole life. My father was the past harbormaster in Quincy and we really try to keep the water ways in Quincy clean and user friendly for all. No Discharge Areas are a very positive thing and it's great we are moving forward with creating them. It's only going to help our local economy by allowing us to fish, swim, and boat in cleaner coastal waters."

—Pat Morrissey
Harbormaster - Quincy, MA



Marine Sanitation Devices (MSDs)... or Boat Toilets

Recreational boats are not required to be equipped with a toilet, but if they are, the Marine Sanitation Device (MSD) must be Coast Guard approved. The approved design requires the MSDs to hold sewage for shore-based disposal or treat the sewage prior to discharge. There are three types of MSDs:

TYPE I: MSDs discharge treated effluent having a fecal coliform bacterial count not greater than 1000 per 100 milliliters of water and no visible floating solids.

TYPE II: MSDs discharge treated effluent having a fecal coliform bacterial count less than 200 per 100 milliliters and suspended solids not greater than 150 milligrams per liter.

TYPE III: MSDs are devices designed to store sewage (usually with disinfectants and deodorants added) until it can be pumped out at a pumpout facility or discharged outside the territorial sea boundary of three miles from shore. These are also known as holding tanks.

Boat Waste in a No Discharge Area

When operating in a No Discharge Area, Type I, Type II, and Type III Marine Sanitation Devices cannot be discharged. In No Discharge Areas, the US Coast Guard regulations state MSDs Type I and II must be secured to prevent discharge.

A Type I and Type II MSDs must be secured when operating in a No Discharge Area. This can be done by closing the seacock and padlocking it, using a non-releasable wire tie, locking the door handle lock or removing the seacock handle.

For More Information

www.epa.gov/region1/eco/nodiscrg

State Web sites
MA: www.mass.gov/czm/nda/pumpouts
NH: www.des.state.nh.us/wmb/cva/dir_map.htm
RI: www.dem.ri.gov/programs/benviron/water/shellfsh/pump
ME: www.maine.gov/dep/blwq/topic/vessel/nda
CT: www.ct.gov/dep/cwp/view.asp?a=2705&q=399328&depNav_GID=1620

PENOBSCOT AND BLUE HILL BAYS

Merchant's Landing Moorings	594-7459	9	P
Rockland Harbor			
City of Rockland	594-0312	9	P
Journey's End Marina	594-4444	9	P
Landings Restaurant	596-6573	9	P
Camden Harbor			
Town of Camden	236-3353	9	P
Wayfarer Marine	236-4378	9	P
Belfast Harbor			
Belfast Boatyard	338-1142	9	R
City of Belfast	338-1142	9	P
Penobscot River			
Port Harbor Marine at Bucksport	469-5902	9	P
Mid-Coast Marine	223-4781	16	P
Winterport Marina	223-8885	9	P
City of Bangor	947-5251	9	P
Blue Hill Harbor			
Kollegewidgwok Yacht Club	374-5581	9	M

MOUNT DESERT AND DOWN EAST

		VHF	
Bass Harbor			
Morris Yachts	244-5509	9	P
Red Fern Boat	667-1382	9	M
Up Harbor Marina	266-0270	9	P
Southwest Harbor			
Downeast Diesel and Marine	244-5145	9	P
Great Harbor Marina	244-0117	9	P
Hinckley Company	244-5572	9	P
Southwest Boat Marine Service	244-5525	9	P
Northeast Harbor			
Clifton Dock	276-3378	9	P
Town of Mount Desert	276-5737	9	P
Bar Harbor			
Bar Harbor Whale Watch	288-2386	9	P
Winter Harbor			
Winter Harbor Marine	963-7449	9	P
Machiasport/Bucks Harbor			
Town of Machiasport	255-4516	9	P

Produced By: Maine DEP, Tyson Drive, Augusta, ME

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E-mail: pamela.d.parker@maine.gov
This publication funded in part with a grant from.

Sport Fish & Wildlife Restoration

IF YOU HAVE QUESTIONS OR CORRECTIONS TO THIS GUIDE, PLEASE LET US KNOW: 207-287-7905 OR PAMELA.D.PARKER@MAINE.GOV

2008 Maine Pumpout Station Guide

Use your head . . .
Pump it out.

If you find a malfunctioning pumpout station call: 207-287-7905

Key:

P = Public Pumpout Station $5 maximum charge
M = Pumpout Boat, get pumpout service at your mooring!
R = Reserved for customers only, charges vary.
Most commercial marinas are required to provide pumpout service to their customers. If you are refused service, call the number above immediately.

APPENDIX B
Photographs of Pumpout Stations

Capt'n Fish's

Brown's Wharf

Signal Point

Tugboat Inn and Marina

Boothbay Harbor Pumpout Boat